

Application Serial NO. 09/848,773
Attorney's Docket No.:06666-076001

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-13, 16, 24, 29, 31-33, 39 and 43-63 stand rejected under 35 USC 103 as allegedly being unpatentable over Zhang, et al. in view of Ayache et al.

While applicants disagree with the basis for this rejection, it is nonetheless noticed that the filing date of Zhang et al. is after applicants' invention date. Accordingly, a declaration under rule 131 is attached, establishing the invention date for the claimed subject matter at least as early as June 19, 1999, the filing date of Zhang, et al.

Note that this application was originally filed on May 3, 2001, claiming priority from provisional application number 60/201,585. The contents of this provisional application included a paper which was originally published in June of 1999, and which was in possession of the inventors prior to the June 19, 1999 filing date of Zhang, et al.

Accordingly, this rule 131 showing destroys the prima facie showing of unpatentability, by removing Zhang et al. as prior art, and hence renders all claims allowable over Zhang et al. in view of Ayache et al.

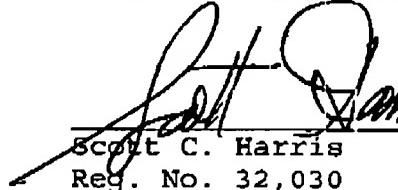
A notice on the merits is hence respectfully requested.

Application Serial NO. 09/848,773
Attorney's Docket No.:06666-076001

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



Scott C. Harris
Reg. No. 32,030
12-9-04

Date: August 27, 2004

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10429711.doc